



Proposed Revisions to Ch. NR 445

Natural Resources Board

Racine, Wisconsin

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Caroline Garber, Bureau of Air Management

608-264-9218

garbec@dnr.state.wi.us



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Objectives

- ◆ Why Do We Have a State Hazardous Air Pollutants Rule?
- ◆ Why Are We Revising the State Rule?
- ◆ How Has the Public Been Involved?
- ◆ What Are the Likely Major Controversies?



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Why Do We Have a State Hazardous Air Pollutant Rule?

- ◆ Public concern about lack of federal regulations in the 1980's for hazardous air pollutants (HAPs)
 - ◆ 7 standards in 20 years
- ◆ NR 445 adopted in 1988
 - ◆ 430 HAPs
 - ◆ Health-based approach



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Why Do We Have a State Hazardous Air Pollutant Rule?

- ◆ 1990 Clean Air Act Amendments (CAAA):
 - ◆ 188 HAPs
 - ◆ 170 source categories
- ◆ NR 445 complements federal program
 - ◆ Does not apply when federal standards apply
 - ◆ Many HAPs & many sources not covered by CAAA



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Why Revise? Update the Science

- ◆ Science is more than 15 years old
- ◆ Adding 150 chemicals now classified as hazardous
- ◆ Revising standard for 216 currently listed HAPs
 - ◆ 130 standards lowered
 - ◆ 86 standards raised
- ◆ Setting health-based thresholds for carcinogens



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Why Revise? Improve the Regulatory System

- ◆ Provide clarity for complicated requirements
- ◆ More flexibility for sources, particularly carcinogens
- ◆ Reducing administrative work throughout the system
- ◆ Bottom Line:
 - Less work, lower costs
 - Improved compliance
 - Better air quality



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How Has the Public Been Involved?

- ◆ Technical Advisory Group
 - ◆ 30-40 core members met over 30 months
 - ◆ Comprehensive, open & thoughtful process
- ◆ Presentations & meetings throughout the state
- ◆ Active web site



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How Has the Public Been Involved?

- ◆ General consensus on many potential controversies:
 - ◆ Health-based thresholds for carcinogens
 - ◆ Regulatory streamlining initiatives
 - ◆ Interface between NR 445 & federal program



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Likely Major Controversies

- ◆ Too many chemicals
- ◆ State should not go beyond federal program
- ◆ Diesel generators
- ◆ Respirable coal dust
- ◆ Persistent bioaccumulative toxics (PBTs) and cumulative impacts



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Too Many Chemicals

- ◆ Likely arguments:
 - ◆ Use of third party lists leads to too many chemicals
 - ◆ See no end to expanding list in the future
 - ◆ Number of chemicals places administrative burden on sources



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Too Many Chemicals

- ◆ Response:
 - ◆ 600 out of 80,000 chemicals
- ◆ Proposal:
 - ◆ Adding decision criteria for listing
 - ◆ Focus work & costs where likely public health benefits
 - ◆ Reasonable (not exhaustive) search & inquiry & safe harbor protection
 - ◆ Very limited search & inquiry for 99% of WI establishments
- ◆ Compliance: Manage usage vs. end-of-pipe controls



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Diesel Generators

- ◆ Likely Argument:
 - ◆ Federal engine/fuel standards are sufficient
- ◆ Response:
 - ◆ Probable carcinogen, short stacks, public exposure, numbers of generators increasing
 - ◆ Federal standards for NOx not PM
 - ◆ Apply only to new engines
- ◆ Proposal:
 - ◆ On-road diesel fuel
 - ◆ Controls for engines with > 40,000 gal./yr. fuel usage



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Respirable Coal Dust

- ◆ Likely Argument:
 - ◆ Don't list; special study; fugitive dust regulations are adequate
- ◆ Response:
 - ◆ Acute non-cancer emission standard
 - ◆ Fugitive dust regulations do not assure protection of public health
- ◆ Proposal:
 - ◆ Including compliance options
 - ◆ Continuing dialogue with stakeholders on details of compliance options



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Persistent Bioaccumulative Toxics & Cumulative Impacts

- ◆ Likely Argument:
 - ◆ NR 445 should also protect from PBTs; additive and synergistic effects of hazardous air pollutants & from emissions from multiple sources
- ◆ Response:
 - ◆ Scope of revision limited to updating
 - ◆ NR 445 not the best vehicle to address these impacts
- ◆ Proposal:
 - ◆ Not addressed in revision proposal



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Next Steps

- ◆ Request authorization to hold public hearings
 - ◆ 5 hearings around the state
- ◆ Continue to engage stakeholders
 - ◆ Clarify comprehensive proposal
 - ◆ Develop guidance
 - ◆ Develop roll-out